

**REMARKS**

The foregoing Amendment and the following Remarks are submitted in response to the Office Action issued on December 13, 2004 in connection with the above-identified patent application, and are being filed within the three-month shortened statutory period set for a response by the Office Action.

Claims 1-21 remain pending in the present application. Claim 1 has been amended to emphasize that a billing computer is performing the billing steps. Applicants respectfully submit that no new matter has been added to the application by the Amendment.

Applicants respectfully request reconsideration and withdrawal of the rejection of the claims, consistent with the following remarks.

The Examiner has rejected claims 1-21 under 35 USC § 101. Applicants respectfully traverse the § 101 rejection of such claims.

According to the Examiner, the claims are non-statutory for the reason that the body of claim 1 fails to recite any technology. Accordingly, and as the Examiner suggested, the body of claim 1 has been amended to recite a billing computer performing the billing steps. Accordingly, Applicants respectfully request reconsideration and withdrawal of the § 101 rejection of the claims.

The Examiner has rejected claims 1-9 and 11-19 under 35 USC § 102(b) as being anticipated by Peters et al. (U.S. Patent No. 5,884,284). Applicants respectfully traverse the § 102(e) rejection of such claims.

Independent claim 1 of the present application recites method, where a service is provided to a customer and the service is measurable in quantifiable service units used by the customer such that billing for the service to the customer is based at least in part on a

number of the service units used. Thus, such service units may comprise kilowatt-hours if the service is a power service, minutes if the service is a telephone service, gallons if the service is a water service, etc.

Significantly, in the method, the customer is allowed to obtain service unit credits to be applied against service units used by the customer. For example, if the service is a power service, the customer may be pre-allocated 500 kilowatt-hours per month under a set-price plan, and if the service is a telephone service, the customer may be pre-allocated 600 minutes per month under a similar set-price plan.

A billing computer bills for the service to the customer according to a billing cycle, and the billing computer for each billing cycle applies service unit credits obtained by the customer and extant against the service units used by the customer during the billing cycle. Critically, if service unit credits remain after applying the service unit credits obtained by the customer and extant against the service units used by the customer, the remaining service unit credits are carried forward or 'rolled over' to be available during a subsequent billing cycle. Thus, the customer is allowed to treat service unit credits as a commodity, whereby the commoditized service unit credits may be bought, sold, and/or traded for services and/or goods.

As may be appreciated, the concept of 'rolling over' service unit credits may be most applicable in situations where a customer has a use-it-or-lose-it arrangement with a service provider. For example, in a wireless telephone service plan where a customer is provided 300 minutes every month for a set price, and where the customer only uses 250 minutes in a certain month, such customer would certainly appreciate having the unused 50 minutes held over as a credit available for the next month. Thus, if the customer uses 350

minutes the next month, then the combination of the 300 plan minutes for the month and the 50 held-over credit minutes would satisfy the 350 minutes used, and the customer would not be debited for the 50 minute overage.

Moreover, if such minutes are allowed to be rolled over from month to month, such minutes in effect become a commodity that has value and that can be traded for other goods and services of value. Thus, if a customer builds up a large excess of credit minutes, such credit minutes can for example be traded for cash, applied to another customer, applied in exchange for a good or service, etc. Otherwise, such minutes disappear at the end of a billing cycle and become worthless. Most significantly, by allowing such minutes to become a commodity, the service provider can employ such minutes in a host of situations, which as should be appreciated is an incredible marketing and good will opportunity.

The Peters reference discloses a telecommunication user account management system that creates, maintains, processes and analyzes data regarding individual users for telecommunication services, including for purposes of billing and ancillary functions.

As disclosed in the Peters reference at column 29, lines 3-19:

Upon indication of a billing generation requirement for a particular subscriber, the present invention accesses the database for that subscriber, collects current unbilled usage data for billing (including regular monthly fees, pay-for-view fees, and equipment and maintenance charges), historical information (such as balances forwarded and recent payments yet to be credited), and any other information to be included on the bill (such as announcements and advertising). The invention then prepares a bill for the subscriber on a standard format. The bill images are sent to a printing house where they are printed, placed in individual envelopes, and mailed to each subscriber. Then, the system's databases are updated accordingly (particularly regarding indications of what has been billed and is now an account receivable).

As also disclosed in the Peters reference at column 31, lines 3-19:

Although the embodiments of this invention to date involve cable television systems, the invention is readily applicable to any subscription or pay-for-view or pay-for-use telecommunication service. The invention also can be used for satellite

telecommunication services, direct-to-home satellite television or telephone services, including pay-per-view services, wireless telephone services, ground line telephone services (including wired and fiber-optic systems), private phone systems, data communication systems, on-line database communication systems, and others. The invention can be used for multi-channel telecommunication services (such as cable television), for single channel multi-service subscription telecommunication services (such as is common with local wired telephone service and wireless telephones today). Furthermore, the invention can be used by new mixes of subscription or pay-for-use telecommunication services in the future, for example, telephone service offered by cable companies, or services using cable companies through the 10 million bit per second (10M bps) cable modem, or services offered by cable companies together with wireless or wired telephone, or on-line data services.

However, and significantly, neither of such passages discloses that a Peters customer is allowed to obtain service unit credits to be applied against service units used by the customer, as is required by claim 1. Moreover, neither of such passages discloses that a Peters billing computer bills for each billing cycle applies service unit credits obtained by the customer and extant against the service units used by the customer during the billing cycle, as is required by claim 1. Further, neither of such passages discloses that a Peters billing computer carries forward or 'rolls over' remaining service unit credits to be available during a subsequent billing cycle, as is required by claim 1. In fact, neither of such passages discloses or even appreciates that a Peters customer should or could be allowed to treat service unit credits as a commodity, whereby the commoditized service unit credits may be bought, sold, and/or traded for services and/or goods.

As a result, and for all of the aforementioned reasons, Applicants respectfully submit that the Peters reference does not disclose the subject matter recited in independent claim 1 or any claims depending therefrom, including claims 2-9 and 11-19. Accordingly, and for all the aforementioned reasons, Applicants respectfully submit that the Peters reference cannot be applied to anticipate such claims. Thus, Applicants respectfully request reconsideration and withdrawal of the § 102(b) rejection.

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**PATENT**

The Examiner has rejected claim 10 under 35 USC § 103(a) as being obvious over the Peters reference. Applicants respectfully traverse the § 103(a) rejection of such claims.

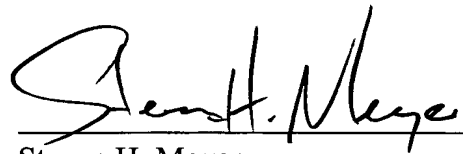
Applicants respectfully submit that since independent claim 1 has been shown to be unanticipated and is non-obvious, then so too must all claims depending therefrom including claim 10 be unanticipated and non-obvious, at least by their dependency. Accordingly, Applicants respectfully request reconsideration and withdrawal of the § 103(a) rejection.

Applicants note that dependent claims 20 and 21 have not been rejected except under section 101, and accordingly presume such claims are now allowable in view of the amendments to independent claim 1 to address the section 101 issue.

In view of the foregoing discussion, Applicants respectfully submit that the present application, including claims 1-21, is in condition for allowance, and such action is respectfully requested.

Respectfully submitted,

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